

# URGENT ACTION

## FIRST ARRESTS SINCE NEW HOMOPHOBIC LAW

**A law introducing possible life sentences for the offence of “aggravated homosexuality” was enacted on 9 October in Gambia. In the last two weeks, the National Intelligence Agency (NIA) and the Presidential Guards have arrested at least four men, a 17-year-old boy and three women on suspicion of “homosexuality”. Another six women have reportedly been arrested since 18 November. They could face a life sentence. Amnesty International considers people detained solely on the basis of their sexual orientation or gender identity to be prisoners of conscience.**

Five males and three women were arrested between 7 and 13 November, on the Senegambia strip, a coastal area south of Banjul. All were detained at the NIA headquarters in Banjul. They were told they were under investigation for “homosexuality” but have not been charged. They were tortured and otherwise ill-treated to make them confess their “crimes” and reveal information about other people perceived to be gay or lesbian. The NIA have subjected those detained to beatings, sensory deprivation and the threat of rape. The detainees were told that if they did not “confess,” a device would be forced into their anus or vagina to “test” their sexual orientation. Although the three women were released on 13 November, they remain under investigation and the NIA has confiscated their identity cards and ordered them not to leave the country. The five males are still detained incommunicado. Another six women were reportedly arrested between 18-19 November.

The Criminal Code (Amendment) Act 2014 which was enacted on 9 October. It creates the offence of “aggravated homosexuality” which carries a life sentence.

### **Please write immediately in English or your own language:**

- Calling on the authorities to release any person detained on the grounds of their sexual orientation at the NIA headquarters, or any other location, immediately and unconditionally;
- Urging them to stop intimidating, harassing and arresting people on the basis of their sexual orientation or gender identity, to order an independent investigation into reports of torture and other ill-treatment, and bring all those responsible to justice;
- Calling on them to repeal laws which criminalize consensual same-sex sexual conduct or deny the right to freedom of expression through choice of clothing, including the Criminal Code (Amendment) Act 2005, 2013 and 2014;
- Calling on them to fully implement the African Commission’s resolution 275 calling for the protection of people subjected to violence on the basis of their real or imputed sexual orientation or gender identity.

### **PLEASE SEND APPEALS BEFORE 1 JANUARY 2015 TO:**

#### President of the Republic

Yahya Jammeh

Private Mail Bag

State House

Banjul, The Gambia

Email: [info@statehouse.gm](mailto:info@statehouse.gm)

**Salutation: Your Excellency**

#### Minister of Justice and Attorney General

Basirou Mahoney

Ministry of Justice

Marina Parade

Banjul, The Gambia

Fax: +220 422 9908

Email: [info@moj.gov.gm](mailto:info@moj.gov.gm)

**Salutation: Dear Minister**

#### **And copies to:**

Minister of Foreign Affairs

Bala Garba-Jahumpa

Ministry of Foreign Affairs, International

Cooperation and Gambians Abroad

4, Marina Parade

Banjul, The Gambia

Email: [info@mofa.gov.gm](mailto:info@mofa.gov.gm)

**Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:**

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 226/14. Further information:

[www.amnesty.org/en/library/info/AFR27/010/2014/en](http://www.amnesty.org/en/library/info/AFR27/010/2014/en)

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### ADDITIONAL INFORMATION

Amnesty International obtained a copy of the Criminal Code (Amendment) Act 2014. Among those who could be charged with “aggravated homosexuality” are people living with HIV who are suspected of being gay or lesbian, people described in the Act as “serial offenders”, or people having sex with persons under the age of 18.

The Gambian authorities’ crackdown on people for their real or perceived sexual orientation or gender identity runs counter to a landmark May 2014 resolution of the African Commission on Human and Peoples’ Rights, based in Banjul. The resolution condemned persecution of lesbian, gay, bisexual, transgender and intersex (LGBTI) people by state and non-state actors.

The Gambian authorities continue to make public statements attacking LGBTI rights. In October, President Jammeh described “homosexuality” as “satanic behaviour”; the previous month an officer of the ruling party, Alliance for Patriotic Reorientation and Construction (APRC), stated in a newspaper interview that “homosexuals should be killed because they are enemies of humanity”.

Name: withheld for security reasons

Gender m/f: both

Further information on UA: 226/14 Index: AFR 27/015/2014 Issue Date: 20 November 2014